

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 EA-07 IO-11 ISO-00 FEA-01 ACDA-05

CIAE-00 INR-07 NSAE-00 NSC-05 EB-07 NRC-05 OES-03

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O R 121702Z MAR 76

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC IMMEDIATE 7234

INFO USERDA GERMANTOWN

AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY OTTAWA

USUN NEW YORK 3391

AMEMBASSY TOKYO

C O N F I D E N T I A L IAEA VIENNA 2004

PASS IO/SCT

EO 11652: GDS

TAGS: PARM, TECH, IAEA

SUBJ: DRAFT CONVENTION ON PHYSICAL PROTECTION OF NUCLEAR
MATERIAL

REF: A. STATE 36745, B. IAEA VIENNA 1763, C. STATE 57549

SUMMARY: IN INFORMAL JOINT CONSULTATIONS WITH
WORKING LEVEL REPS OF OTHER MEMBERS OF LONDON
SUPPLIERS GROUP, MISOFFS MADE TALKING POINTS AS
INSTRUCTED REFS A AND C. PRELIMINARY REACTIONS
CHEIFLY REFLECTED QUESTIONS RE TIMINGAND PROCED-
DURE RATHER THAN SUBSTANCE OF U.S. DRAFT CONVENTION.
END SUMMARY.

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1. PURSUANT INSTRUCTIONS REF A, MISSION HELD CONSULTATIONS MARCH 12 WITH REPS OF ALL LONDON SUPPLIER STATES EXCEPT FRANCE, WHOSE LOCAL REP, ON INSTRUCTION, DID NOT ATTEND MEETING.

2. COUNSELOR LABOWITZ REITERATED POINTS CONTAINED PARA 5 REF A (WITH WHICH REPS HAD BEEN PROVIDED EARLIER IN WRITING) AND STRESSED ILLUSTRATIVE NATURE OF U.S. DRAFT CONVENTION. REFERRING TO SOME APPARENT CONFUSION BETWEEN U.S. INITIATIVE ON DRAFT CONVENTION AND LONDON MEETING SCHEDULED FOR MARCH 31, LABOWITZ EXPLAINED THAT TIMING OF U.S. PROPOSAL WAS COINCIDENTAL; THAT LONDON GROUP WOULD BE ADDRESSING PARA 3 OF NSG GUIDELINES WHICH WAS CONCERNED WITH PHYSICAL PROTECTION OBLIGATIONS BETWEEN SUPPLIER AND RECIPIENT, WHEREAS INTERNATIONAL CONVENTION WAS MUCH BROADER IN SCOPE AND INVOLVED MUCH LONGER TIME SCALE. THE TWO EFFORTS WERE TO BE SEEN AS PARALLEL RATHER THAN AS CONFLICTING.

3. FRG REP (FREYTAG) SAID THAT BONN HAD BEEN SURPRISED BY U.S. INITIATIVE TIMING OF WHICH, IN VIEW OF MARCH 31 MEETING, WAS QUESTIONABLE. WHILE FRG APPRECIATED TO SOME EXTENT DISTINCTION BETWEEN PARA 3 OF LONDON GUIDELINES AND BROADER CONVENTION PROPOSAL, VIENNA CONSULTATIONS AMONG LONDON SUPPLIERS ON CONVENTION SUGGESTED MORE THAN MERE COINCIDENCE. IT WAS NOT POSSIBLE TO SEPARATE THE TWO QUESTIONS ENTIRELY, SINCE OUTCOME OF LONDON TALKS COULD SERIOUSLY AFFECT WHAT MIGHT BE DECIDED UPON WITH RELATION TO BROADER INTERNATIONAL EFFORT. IN ANY CASE, BONN HAD NO TIME TO SERIOUSLY CONSIDER U.S. DRAFT AND BELIEVED PRESENT CONSULTATIONS WERE PREMATURE AND SHOULD BE DISCUSSED AT LONDON MEETING. UK REP (LLOYD), IN BRIEF COMMENT, AGREED WITH FRG THAT DISCUSSIONS AT THIS TIME WERE PREMATURE, THOUGH U.S. PROPOSAL WAS OF INTEREST.

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4. CANADIAN REP (HAMMOND) OBSERVED HIGHLY COMPLICATED DOMESTIC DISCUSSIONS WHICH CONSIDERATION OF U.S. DRAFT WOULD REQUIRE, NOTED FACT THAT IN PAST VARIOUS MEMBER STATES HAD BEEN VERY RELUCTANT TO ADDRESS IN AN INTERNATIONAL CONTEXT MATTERS WHICH THEY VIEWED AS WITHIN THEIR DOMESTIC JURISDICTION AND OBSERVED DIFFICULTIES THIS WOULD POSE FOR ANY EFFORT TO OBTAIN CONSENSUS ON A

CONVENTION GOING BEYOND LIMITED SCOPE, SUCH AS INTERNATIONAL TRANSPORT.

5. COMMENTS OF REP OF JAPAN (TANAKA) REVEALED THAT GOJ HAD GIVEN U.S. DRAFT CONSIDERABLE ATTENTION. GOJ UNDERSTOOD FULLY DISTINCTION BETWEEN LONDON MEETING AND CURRENT DISCUSSIONS ON U.S. DRAFT, WHICH IT VIEWED AS STEMMING PRIMARILY FROM RECOMMENDATIONS OF NPT REVCON. WHILE U.S. DRAFT WOULD REQUIRE MORE TIME FOR STUDY, GOJ BELIEVED FOLLOWING QUESTIONS WOULD HAVE TO BE ADDRESSED:

A. WHILE BROAD CONVENTION MIGHT BE "IDEAL" APPROACH, CONSIDERATION SHOULD BE GIVEN TO A NUMBER OF MORE LIMITED CONVENTIONS DEALING SEPARATELY WITH EXTRADITION, PHYSICAL PROTECTION DURING INTERNATIONAL TRANSFER, ENFORCEMENT OF TERMS OF CONVENTION, ETC.;

B. ROLE OF IAEA IN CONVENTION, BOTH IN SUBSTANCE AND IN PROCEDURE NEEDS TO BE CONSIDERED;

C. GOJ WOULD APPRECIATE U.S. VIEWS AS TO TIMETABLE, VENUE AND SPONSORSHIP AND PREPARATORY STEPS PROCEEDING INTERNATIONAL CONFERENCE.

6. LABOWITZ EXPRESSED APPRICATION FOR VIEWS EXPRESSED, PARTICULARLY BY JAPAN, AND UNDERTOOK TO REPORT THEM. ASSUMED GOAL WAS TO ACHIEVE AGREEMENT ON CONVENTION OF BROADEST POSSIBLE SCOPE IN SHORTEST PERIOD OF TIME, AND WOULD APPRECIATE FURTHER COMMENTS AFTER GOVERNMENTS HAD HAD MORE CONFIDENTIAL

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TIME TO STUDY U.S. PROPOSAL, PRESUMABLY NOT UNTIL AFTER MARCH 31 MEETING IN LONDON.

7. SOVIET REP (MISHARIN) WHO MET LATER WITH MISOFF STATED THAT WHILE HE HAD RECEIVED NO INSTRUCTIONS AS YET, SOVIET MISSION WAS GRATEFUL TO BE REASSURED THAT U.S. PROPOSAL NOT INTENDED CONFLICT WITH PRESENT ACTIVITY ON PART OF AGENCY.

8. FRENCH RESREP DEMENTHON HAD TOLD MISOFF PRIVATELY ABOUT NOON MARCH 11 THAT PARIS BELIEVED U.S. INITIATIVE RE DRAFT CONVENTION WAS PREMATURE IN LIGHT OF MARCH 31 MEETING IN LONDON. AT THAT TIME, HE EXPECTED ATTEND MARCH 12 MEETING "TO LISTEN". ON PERSONAL BASIS, HE OBSERVED THAT

WE SHOULD ANTICIPATE THAT, WHEN TIME COMES TO
DISCUSS TEXT, FRANCE WOULD PROBABLY GO ALONG WITH
PROVISIONS RE INTERNATIONAL TRANSPORT AND
COOPERATION, BUT WOULD BE "RELUCTANT" FOR CONVEN-
TION TO INCLUDE ANY PROVISION RE INTERNAL MEASURES.
HE REFERRED TO LENGTHY DISCUSSIONS THAT SUBJECT IN
LONDON GROUP MEETING, AT END OF WHICH GROUP HAD TO
SETTLE FOR COMPROMISE LANGUAGE IN GUIDELINES.
LATER, DURING EVENING, HE CALLED MISOFF TO SAY
THAT HE HAD BEEN INSTRUCTED BY PARIS TO BE ABSENT
FROM MARCH 12 MEETING.STONE

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